

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

v.

BARFIELD NOMINEES LIMITED

Defendant.

Adv. Pro. No. 12-01669 (CGM)

ORDER DENYING DEFENDANT'S MOTION TO DISMISS

Defendant Barfield Nominees Limited ("Defendant") filed a motion to dismiss the Complaint under Federal Rules of Civil Procedure 8(a), 10(c), 12(b)(2), and 12(b)(6), made applicable to these proceedings by Federal Bankruptcy Rules of Procedure 7008, 7010, and 7012 [Docket No. 88] (the "Motion"). The parties stipulated to rest on their papers and waive oral argument on the Motion [Docket No. 101]. The Court has considered the Motion, the papers

submitted in support of and in opposition to the Motion, and the Complaint. The Court issued a memorandum decision regarding the Motion (the “Decision”) [Docket No. 105]. Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to dismiss the Complaint is **DENIED**.
2. The deadline for Defendants to file an answer to the Complaint is December 2, 2022.
3. The Court shall retain jurisdiction to implement or enforce this Order.

Dated: October 13, 2022
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge